

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BEAVER FRANK APPEL,

Defendant.

CR-12-76-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on January 23, 2019. (Doc. 83.) The United States accused Beaver Frank Appel of violating the conditions of his supervised release by (1) failing to notify his probation officer of a change in residence, (2) failing to comply with his sex offender registration requirements, (3) failing to report for sex offender treatment, and (4) failing to report for chemical dependency treatment. Appel admitted all of the alleged violations except the failure to comply with his sex offender registration requirements. The United States made no attempt to prove that Appel had failed to comply with his sex offender registration requirements.

Judge Johnston entered Findings and Recommendations in this matter on January 24, 2019. (Doc. 87.) Appel waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 4. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violations prove serious and warrant revocation of Appel's supervised release. Judge Johnston has recommended that the Court revoke Appel's supervised release and commit Appel to the custody of the Bureau of Prisons for a term of 7 months with no supervised release to follow. (Doc. 87 at 3.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Appel's violation of his conditions represents a serious breach of the Court's trust. A sentence of 7 months custody with no supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 87) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Defendant Beaver Frank Appel be sentenced to 7 months custody with no supervised release to follow.

DATED this 30th day of January, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a large initial "B" and a long horizontal stroke at the end.

Brian Morris
United States District Court Judge

